UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERMEL JONES,

        Plaintiff,

   v.   Case No. 17-C-1523

RYAN MCCLAIN,

        Defendant.

ORDER

Plaintiff Jermel Jones, an inmate currently serving a state prison sentence at Waupun Correctional Institution (WCI), filed this action under 42 U.S.C. § 1983 alleging violations of his civil rights. This matter comes before the court on Plaintiff's motion to compel discovery. ECF No. 40. Plaintiff explains that on February 3, 2018, he signed a form giving Defendant consent to access his medical records and on February 8, 2018, he served discovery requests on Defendant. Defendant provided all requested documents, except that Defendant objected to delivering Plaintiff copies of his medical records on the grounds that Plaintiff has access to them at WCI. Plaintiff states that, although he may inspect his medical records, he must pay $0.15 per page to make copies of them. Because he does not have sufficient funds to make copies of his records, he seeks to compel Defendant to provide him with a copy of them.

A prisoner has "'no constitutional entitlement to subsidy' to prosecute a civil suit; like any other civil litigant, he must decide which of his legal actions is important enough to fund." *Lindell v. McCallum*, 352 F.3d 1107, 1111 (7th Cir. 2003) (first quoting *Lewis v. Sullivan*, 279 F.3d 526, 528 (7th Cir. 2002); then citing *Lucien v. DeTella*, 141 F.3d 773, 774 (7th Cir. 1998)). Accordingly,

the fact that Plaintiff does not have sufficient funds to pay for copies of his medical records does not mean that this court must compel Defendant to provide him with a copy. Moreover, there is no indication that Plaintiff lacks access to his records. Although it may be more convenient for him to litigate this case using copies of his records, nothing apparently prevents him from inspecting them as needed and taking detailed notes for his personal use in preparing legal documents. Plaintiff's motion to compel (ECF No. 40) is therefore **DENIED**.

SO ORDERED this   30th   day of March, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court